

SENATE BILL 4277

By McNally

AN ACT to amend Chapter 247 of the Acts of 1905; as amended by Chapter 13 of the Private Acts of 1979; Chapter 46 of the Private Acts of 1991; Chapter 64 of the Private Acts of 1991; Chapter 22 of the Private Acts of 1991; Chapter 137 of the Private Acts of 1994; Chapter 14 of the Private Acts of 1995 and Chapter 143 of the Private Acts of 1996; and any other acts amendatory thereto, relative to the charter of the Town of Oliver Springs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 247 of the Acts of 1905; as amended by Chapter 13 of the Private Acts of 1979; Chapter 46 of the Private Acts of 1991; Chapter 64 of the Private Acts of 1991; Chapter 22 of the Private Acts of 1991; Chapter 137 of the Private Acts of 1994; Chapter 14 of the Private Acts of 1995 and Chapter 143 of the Private Acts of 1996; and any other acts amendatory thereto, is amended by deleting Section 15 in its entirety and substituting instead the following:

Section 15. City Manager. There is hereby established the position of city manager. The city manager shall be appointed by the town council and shall serve at the will and pleasure of the town council. The city manager shall be appointed based on the educational and experiential qualifications of candidates for such position. The salary of the city manager and the salaries of all town employees shall be set annually in conjunction with the budget.

The city manager shall be responsible to the town council for the administration of all departments and units of the town government and for carrying out the policies adopted by the council. The city manager shall have the authority to hire, fire, transfer, promote and demote employees of the town. Department heads shall be confirmed by the council prior to being hired by the city manager. Except for the purpose of inquiry,

the town council and its members shall deal with the employees of the town solely through the city manager.

The city manager shall make reports and recommendations to the town council and may take part in discussion of all matters coming before the council but shall have no right to vote.

The city manager shall be responsible for purchasing; shall be in charge of the management of town property and equipment; and shall be in charge of the general administration of the financial affairs of the town. He shall prepare a budget as required by state law and shall submit the budget to the town council for approval.

The town council shall have the authority to appoint an interim city manager and to prescribe by ordinance the duties of such manager.

SECTION 2. Chapter 247 of the Acts of 1905; as amended by Chapter 13 of the Private Acts of 1979; Chapter 46 of the Private Acts of 1991; Chapter 64 of the Private Acts of 1991; Chapter 22 of the Private Acts of 1991; Chapter 137 of the Private Acts of 1994; Chapter 14 of the Private Acts of 1995 and Chapter 143 of the Private Acts of 1996; and any other acts amendatory thereto, is amended by deleting Section 16 in its entirety and substituting instead the following:

Section 16. Police Department. There is hereby established a police department administered by a chief of police. The city manager shall appoint the chief of police, after confirmation by the council. The chief of police shall serve at the will and pleasure of the city manager. The chief of police shall be appointed based on the educational and experiential qualifications of candidates for such position.

It is the duty of the chief of police to enforce laws and ordinances of the city and state and to perform such other duties as the city manager may impose upon the chief of police. He and the police officers of the department shall have the power to execute state warrants and other process which constables generally have within the town limits. He shall serve as the administrator of the police department.

The chief of police shall give bond in the sum of the amount set by the town council payable to the state for the use of the town of Oliver Springs, upon the condition

that the chief of police will faithfully collect and account for all money that does or ought to come into his possession for fines, forfeitures, or other moneys due such town, and which ought to be, by law, collected and paid over by him.

SECTION 3. Chapter 247 of the Acts of 1905; as amended by Chapter 13 of the Private Acts of 1979; Chapter 46 of the Private Acts of 1991; Chapter 64 of the Private Acts of 1991; Chapter 22 of the Private Acts of 1991; Chapter 137 of the Private Acts of 1994; Chapter 14 of the Private Acts of 1995 and Chapter 143 of the Private Acts of 1996; and any other acts amendatory thereto, is amended by deleting Section 17 in its entirety, by redesignating current Section 18 as Section 17, and by creating a new Section 18 to read as follows:

Section 18.

(a) Fire Department. There is hereby established a fire department to be administered by a fire chief. The city manager shall appoint the fire chief, after confirmation by the council. The fire chief shall serve at the will and pleasure of the city manager. The fire chief shall be appointed based on the educational and experiential qualifications of candidates for such position.

(b) Park Department. There is hereby established a park department, to be administered by a park director. The city manager shall appoint the park director, after confirmation by the council. The park director shall serve at the will and pleasure of the city manager. The park director shall be appointed based on the educational and experiential qualifications of candidates for such position.

(c) Water Department. There is hereby established a water department, to be administered by a water director. The city manager shall appoint the water director, after confirmation by the council. The water director shall serve at the will and pleasure of the city manager. The water director shall be appointed based on the educational and experiential qualifications of candidate for such position.

(d) Street Department. There is hereby established a street department, to be administered by a street director. The city manager shall appoint the street director, after confirmation by the council. The street director shall serve at the

will and pleasure of the city manager. The street director shall be appointed based on the educational and experiential qualifications of candidates for such position.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Oliver Springs. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.